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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROBERT JACKSON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 06 C 00493
)	Honorable U.S. District Judge David Coar
SHERIFF OF COOK COUNTY,)	Presiding
COOK COUNTY, ILLINOIS, AND)	
DIRECTOR CERMAK HEALTH)	
SERVICES,)	
)	
Defendants.)	

AGREED PROTECTIVE ORDER

THIS MATTER COMING ON BEFORE THE HONORABLE JUDGE David H. Coar for purposes of settling a dispute regarding discovery, the parties, through counsel have previously met and conferred and have reached an accommodation regarding documents upon which privilege has been claimed and which are more specifically described below, the court having been fully advised, the court finds there is good cause for such a protective order because, even if certain records may not be withheld on the basis of privilege, they are nonetheless records of medical studies conducted for purposes of reducing mortality and morbidity pursuant to 735 ILCS 5/8-2101 and concern the identifiable health information of individuals who are not parties to this lawsuit. In these circumstances, a protective order is appropriate in order to protect the non-parties from the embarrassment of public dissemination of sensitive, personal information and to protect Cermak Health Services employees – a health care delivery facility under the act – from criminal liability under state law.

IT IS HEREBY ORDERED that the following elements shall be adhered to:

(a) The medical studies records produced by Cermak Health Services regarding STD testing in this litigation may be used only for purposes of this lawsuit, and for no other purpose. These medical studies records are specifically described as follows:

Date authored	Description	Privilege Claimed
4 th Qtr. 2003	Medical staff Dorothy Murphy, Kiriazes, Dr. Menella, Dr. McAuley, Dr. Mansoor, Bates 049	Medical Studies Act ¹
Jan – Mar 2004	Ms. Murphy, Dr. Raba, Dr. Mansoor Bates 051-3	Same as above (S/A/A)
Jan – Mar 2004	Ms. Murphy, Dr. Raba, Dr. Mansoor Bates 054-8	S/A/A
April 27, 2004	Ms. Murphy, Dr. Raba, Dr. Mansoor Bates 059-62	S/A/A
Apr -May 2005	Ms. Murphy, Dr. Raba, Dr. Mansoor Bates 063-67 STD interim report	S/A/A
Jan – Mar 2004	First Quarter STD Study Bates 068	S/A/A
Mar – May, 05	CQI study - Ms. Murphy, Dr. Raba, Dr. Mansoor Bates 069	S/A/A
Aug – Sept. ‘05	CQI study - Ms. Murphy, Dr. Raba, Dr. Mansoor Bates 070	S/A/A
2005	CQI study - Ms. Murphy, Dr. Raba, Dr. Mansoor Bates 071-073	S/A/A
Screen results		

(b) The records are for the attorneys' eyes only and this order specifically bars third parties from access to the medical records or the information in them. The term "attorneys" includes retained experts, retained consultants, paralegals, law clerks and secretaries employed by the plaintiffs' retained lawyer;

(c) Any records disclosed remain subject to further order of this court regarding admissibility at trial. The non-admissibility of such records may be raised in an appropriate motion and/or in motions *in limine*; and

(d) The plaintiffs shall return to defendant (or destroy) all copies of the medical records produced, and retain no copies of them.

¹ The Illinois Medical Studies Act 735 ILCS 5 8-2101 et seq. in relevant part, makes it a criminal offense for Cermak Health Services [CHS] to release documents created under the conditions stated in the act. The act applies to protect from disclosure all information reports, statements, memoranda . . or data of health care delivery facilities . . used in the course of internal quality control or of medical study for the purpose of reducing mortality or morbidity, or for improving patient care. CHS is a protected facility under the Staffing of John H. Stroger Hospital of Cook County and the Infection Control Committee and CQI STD Studies are peer-review and quality control committees. The disclosure of this information under this order does not waive the issues of its confidentiality or non-admissibility.

Any further dispute regarding the documents described in (a), (b), (c), and (d) above, if such dispute cannot be resolved by the parties, shall be brought to the attention of the court through an appropriate motion drafted in accordance with the rules.

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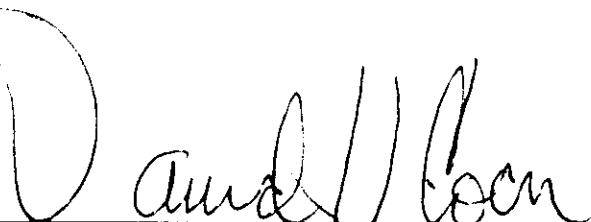
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U.S. District Judge David H. Coar



May 31, 2006

Agreed:

Thomas Morrissey, Attorney for Plaintiffs,
and.



Francis J. Catania, Attorney for County of,
Defendants

Kenneth Flaxman, Attorney for Plaintiffs.